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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/898,310

07/03/2001

Teng Pin Poo

1601457-0008

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7590

03/15/2006

White and Case LLP

Attn: Patent Department

1155 Avenue of the Americas

New York, NY 10036

EXAMINER

GELAGAY, SHEWAYE

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/898,310

Applicant(s)

POO ET AL.

Examiner

Shewaye Gelagay

Art Unit

2137

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: The IDS submitted by the Applicant on 12/27/05 and 2/24/06 will not be considered since it was filed after a final office action.

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant argues both Bialick and Estakhri fail to teach or disclose "a USB plug integrated into the housing without an intervening cable and capable of coupling a unitary portable access control device directly to the USB socket". The Examiner disagrees. Bialick teaches a peripheral device that communicate with the host computing device via a communication interface. The peripheral device with capability to accept biometric input to enable user authentication to host computing device. (Col. 4, line 49-Col. 5 line 10) In addition, Bialick further discloses the communication interface can be a wireless communication interface, a PCMCIA interface, a smart card interface, a serial interface, a parallel interface. Bialick discloses a serial interface which can include a USB. Estakhri discloses a USB directly couples the host computer system to the flash memory card. (Figure 3; Col. 5, lines 19-52) In addition, Estakhri further discloses eliminating and/or combining certain elements shown in the interface device would be apparent to a person skilled in the art. (Figure 3; Col. 5, lines 19-52) The Applicant argues there is no motivation or suggestion to combine the teachings of Bialick and Estakhri. The Examiner disagrees. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Bialick to include a USB plug integrated into the housing without an intervening cable and capable of coupling the unitary portable access control device directly to the USB socket. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by Estakhri, (Col. 1, lines 16-17) in order to provide an interface facilitating user-friendly connectivity and a fast bi-directional isochronous transfer of data between the external peripheral devices and the host computer at very low cost. The Applicant argues Bialick does not teach or suggest a bypass mechanism. The Examiner disagrees although Bialick does not explicitly disclose bypass mechanism; he teaches the device can be implemented in order to enable the user to enter an acceptable access code such as password or PIN before allowing access. (Col. 10, lines 45-47) It would have been obvious to use the password or PIN to allow access in case of failure of the biometric-based authentication, because as suggested by Bialick the system can be set up in order to authenticate the user using biometric or password or PIN to have a layer of security that protects the integrity of the restricted resources. The Applicant argues Bialick does not teach a device that can provide access control to a communication network. The Examiner strongly disagrees. Bialick teaches the peripheral device can be made accessible to the host computing device via an appropriate interface such as network connection. (Col. 9; lines 9-11) It is well known in the art a network connection is setup in order to have a network communication. Therefore, it would have been obvious to modify Bialick's method to include the restricted resource comprises a communication network. The Applicant argues Bialick does not teach or suggest encrypting and storing the biometrics marker. The Examiner disagrees although Bialick does not explicitly disclose encrypting the biometrics marker, he teaches encrypting and decrypting data stored on the host-computing device. (Col. 12, lines 12-13) It would have been obvious to encrypt and store the biometrics marker in order to protect the biometric data from being compromised. Furthermore, it is well known in the art to store passwords and other authentication information in an encrypted format. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Bialick and Burger are directed toward using biometric authentication in order to access a restricted resource. It would have been obvious to modify the system disclosed by Bialick in order to provide an open, stand-alone system which protects the real estate premises by enforcing proper biometric authentication as suggested by Burger (Col. 3, lines 46-47).

Therefore, all the elements of the claims limitation is explicitly or implicitly or inherently suggested and disclosed by the combination of the references on the record and the final rejection remains valid unless and otherwise the applicant added a specific limitation in to the present independent claims, to overcome the rejection without introducing a new matter.